

**REMARKS**

Upon entry of the present Amendment, claims 1-14, 16-20, 25-31, 33, 34, 56, 57, 67, 68, 92, 93, 95, 115 and 116 will be pending. Claims 15, 21-24, 32, 35-55, 58-66, 69-91, 94 and 96-114 are withdrawn from consideration and/or canceled. Applicants reserve the rights to pursue the withdrawn and/or canceled subject matter in a subsequent application. Support for amended claims

through the entire depth of said substrate” can be found throughout the application and, *inter alia*, in the original claim 94. Support for new claim 116 for reciting “the photorecognizable coding pattern is a part or whole of a shape, a number, a letter or a structure” can be found throughout the application and, *inter alia*, at page 20, line 20 through page 21, line 7. Claims 5, 9, 16, 17, 26 and 29 are amended to conform with the amendments of claim 1 and/or for other formality reasons. The above-described amendments do not introduce any new matter into the present application.

**Allowable Subject Matter**

Applicants appreciate the Examiner’s statement that claim 94 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

**Rejections under 35 U.S.C. § 112**

Claims 5, 15-17, 21-23, 26 and 29 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 5, line 3, it is alleged that “cube-like” shape, is vague and indefinite. It is also alleged that it is unclear how one defines the “cube-like” shape in the art.

This rejection is overcome by the amendment of claim 5.

With respect to claim 15, line 3, it is alleged that "a substance immobilized on the substrate" is vague and indefinite. It is also alleged that it is unclear what this substance is. Applicant does not clearly define this substance. Accordingly, it is further alleged that the dependent claims 16-17, 21-23 do not further limit or define this substance.

This rejection is rendered moot by the canceling of claim 15.

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With respect to claim 26, line 3, it is alleged that "a complex of a cell, a cellular organelle, a virus and/or a molecule" is vague and confusing. It is also alleged that it is not clear what is the difference between "complex" and "aggregate" used by applicants in the same claim language.

This rejection is overcome by the amendment of claim 26, wherein the "complex" and "aggregate" is replaced with the "combination." Applicants submit that the "complex" and "aggregate" were used to mean a combination of the recited binding partners, *e.g.*, a cell, a cellular organelle, a virus and/or a molecule, etc.

With respect to claim 26, line 2, it is alleged that "a molecule" is vague and indefinite. It is also alleged that it is unclear what this molecule refers to. It is stated that applicant needs to set a clear metes and bounds for the claim language.

Applicants are puzzled by this rejection as the meaning of "a molecule" is well known in the art. Here, it simply means that the binding partner can be a molecule, *e.g.*, an antibody molecule or a nucleic acid molecule, etc.

With respect to claim 29, line 3, it is alleged that "a charged material" is vague and indefinite. It is also alleged that it is unclear what constitutes a "charged material."

This rejection is overcome by the amendment of claim 29.

With respect to claim 32, it is rejected because of its alleged duplication with respect to claim 28.

This rejection is rendered moot by the canceling of claim 32.

It is respectfully submitted that the rejection of claims 5, 15-17, 21-23, 26 and 29 under 35 U.S.C. § 112, second paragraph, is overcome by the amendments and must be withdrawn.

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Claims 1-2 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Chan et al (US 5120662), Tiffany et al. (US 5508200), or Liotta et al. (US 5942407), respectively.

Claims 1-6, 11, 15-23, 25-29, 31, 33-34, 56-57, 67-68, 92, 95, 115 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Cattell (US 6180351).

Claims 7-10 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Cattell.

Claims 12-14, 30 and 93 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Cattell in view of Zhou et al. (WO 0054882)

Applicants submit that these rejections are rendered moot by the amendments of claims 1, 56 and 67.

### CONCLUSION

Applicants submit that the rejections of claims 1-23, 25-31, 33-34, 56-57, 67-68, 92, 93, 95 and 115 under 35 U.S.C. §§ 102, 103 and 112 have been overcome by the above remarks and/or amendments. Early allowance of the pending claims 1-14, 16-20, 25-31, 33, 34, 56, 57, 67, 68, 92, 93, 95, 115 and 116 are earnestly requested.

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In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. **471842000500**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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